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described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). There are numerous features recited in the claims which are not disclosed (or otherwise suggested) by Tzu.

Claim 1 recites a plurality of primary features in a primary feature region, each primary feature abutting at least one other primary feature. Claims 10 and 16 recite similar features.

Tzu fails to disclose that each primary feature abuts at least one other primary feature. In fact, as is clear from FIGs. 1-10, Tzu does not disclose any primary features abutting other primary features (not to mention each and every primary feature). Tzu defines providing proper buffer distances between test pattern features and sub-resolution holes (see, inter alia, Tzu col. 1, lines 47-50). For example, Tzu's FIG. 9, has three separate test lines numbered 34, 36, and 38. Each of these test lines is surrounded by sub-resolution contact holes. As a result, these test lines cannot be considered to be "abutting".

Moreover, claim 10 recites specific acts that may be taken by a method which are not disclosed by Tzu. For example, claim 10 recites "developing the photoresist such that the mask substrate is exposed in a first plurality of said features and the mask substrate is covered with photoresist material in a

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second plurality of said features; etching the exposed mask substrate to a phase step height; and removing the remaining photoresist material such that no opaque material remains between features in said plurality of features." Tzu focuses on the layout and light transmittance properties of mask patterns rather than providing guidance on how such mask patterns are manufactured. Therefore, Tzu does not explicitly or implicitly disclose the recited features of claim 10.

Accordingly, claims 1, 10, 16, and their respective dependent claims should be allowable.

Concluding Comments


It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Applicant asks that all claims be allowed. Please apply
any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Scott C. Harris
Reg. No. 32,030
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10507864.doc